

REMARKS

The above-reference Office Action has been carefully reviewed and reconsideration thereof is respectfully requested.

The Examiner has rejected Claims 1-23 and 30 under 35 USC 112, first paragraph, as not being enabling. Applicants respectfully traverse this ground of rejection.

It is respectfully pointed out to the Examiner that Claim 1 is not directed to the formation of thermoformed wells. The use of that term in the claim is to particularly point out and distinctly claim what type of wells are being provided. Furthermore, on page 3 of the last Office Action the Examiner states that the process of thermoforming is clearly defined and well accepted in the art. "The specification need not disclose what is well known in the art." *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F2d 1452, 1463, 221 USPQ 481, 489 (CAFC 1984).

Claims 3 and 23 have been amended to correct the dimensions erroneously stated. Support for this amendment is found, for example, at page 11, line 10, of the Specification.

Claims 1-23 and 30 have been rejected under 35 USC 112, second paragraph, as being indefinite. Applicant respectfully traverses this ground of rejection.

The Examiner states that the use of the term "thermoformed" creates confusion and uncertainty and then states that the process is clearly defined and accepted within the art. How can a process that is clearly defined and accepted create confusion and uncertainty? The Examiner is respectfully requested to explain the inconsistency of this rejection.

As to the rejection of Claim 30, there is no requirement that a limitation introduced by a claim have antecedent basis in that claim. The Examiner is respectfully requested to review the disclosure and enablement requirements of a

patent application. It is respectfully submitted that one having ordinary skill in the art would immediately know what was being claimed, by reference only to Figures 1 and 11.

Claims 1,2, 21-23, and 30 have been rejected under 35 USC 102(b) as being anticipated by Guigan. Applicant respectfully traverses this ground of rejection.

As to Claim 1, element 3 of the reference is not formed by thermoforming. Element 3 is formed by heat sealing. The description of element 18 says nothing about thermoforming. Heat sealing and thermoforming are two entirely different manufacturing operations and the differences are well known to those having ordinary skill in the art.

method of manufacture not given in prior art

With regard to Claim 2, Figures 3 and 18 of the reference do not show a liquid-tight seal. In fact, the description of Figure 1 states that openings 4 are left for access to the capsules and it must be assumed that similar openings are provided in other embodiments. Guigan also does not show placing a liquid-tight seal over all wells in a matrix, as now claimed. Support for this limitation is found, for example, from inspection of Figure 3.

Figure 1 shows openings 4 of the chambers are designed to contain reagent in liquid form, therefore the chamber

With regard to Claim 21-23, the above comments with respect to Claims 1 and 2 are applicable and are incorporated here.

Support for Claim 2 not in Figure 3
No disclosure of liquid tight seal over all wells in a matrix is given

Furthermore, Guigan discloses sequentially addressing the wells. Applicant's amended Claim 1 now states that a plurality of wells is disposed on a matrix and that a chemical compound is simultaneously added to all the wells. Support for this amendment is found, for example, from inspection of Figure 1 and the paragraph at the bottom of page 19 of the Specification.

Claims 1, 2, 21, 22, and 30 have been rejected under 35 USC 102(b) as being anticipated by Howell. Applicant respectfully traverses this ground of rejection.

For at least the last reason given above, it is respectfully submitted that this ground of rejection cannot stand.

NO RESPONSE

Claims 3-8, 16-18, and 23 have been rejected under 35 USC 103 as being unpatentable over Guigan or Howell in view of Anderson. Applicant respectfully traverses this ground of rejection and incorporates here the above remarks with respect to Guigan and Howell.

It is respectfully submitted that Anderson does not disclose the use of a matrix. A dictionary consulted by the undersigned defines a matrix as "the rectangular arrangement into rows and columns of the elements of a set". It is not seen that Anderson shows anything of this nature, much less repetitive matrices.

Anderson shows
a
1x4 matrix
see
P51

The Examiner cites In re Rose for the proposition that a change of size is generally within the level of ordinary skill in the art. The In re Rose case involved a relatively small change in the size of bundled lumber. In the present case, size is one important defining element over the prior art and any modification of the references would involve considerably more than a mere change in size.

Claims 9-13 and 15 have been rejected under 35 USC 103(a) as being unpatentable over Guigan or Howell in view of Tidemann. Applicant respectfully traverses this ground of rejection and incorporates here the above remarks with respect to Guigan and Howell.

First Tidemann adheres the cover only to the edges of the carrier. That would not seal chemicals in the wells as is claimed by Applicant.

Claims do to
exclude ~~edges~~
the cover from adhering
to only edges of
carrier

Second, Tidemann does not teach removing the cover by heating.

Third, Tidemann does not teach providing holes near the tops of wells, as is now included in Applicant's Claim 15. Support for this amendment is found, for example, from inspection of Figure 4.

is related
upon for
xline

Claim 14 has been rejected under 35 USC 103(a) as being unpatentable over Guigan or Howell in view of Paquette. Applicant respectfully traverses this

ground of rejection and incorporates here the above remarks with respect to Guigan and Howell.

Paquette uses a knife structure to strip a cover from a slide plate filter. Applicant's and does not employ a heated roll as is particularly pointed out and distinctly claimed in Claim 14. Applicant's Claims 9 and 10 have been amended to specifically omit the use of a knife structure. Support for this amendment is found, for example, from inspection of :Figure 8.

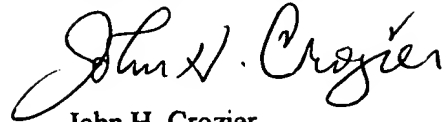
Certain claims have been amended to reflect the reference to "matrices" in Claim 1.

In view of the above remarks, it is respectfully submitted that the claims in the application, Claims 1-18, 21-23, and 30, are allowable and early action in that regard is respectfully requested.

Should the Examiner have any questions as to the allowability of the claims or any suggestions with respect thereto, the privilege of a telephone conference with the Examiner is respectfully requested.

Date: August 2, 2002.

Respectfully submitted,

A handwritten signature in cursive script, reading "John H. Crozier". The signature is written in dark ink and is positioned above the printed contact information.

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